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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-15

**LINDA MARIE BARNES, aka
LINDA MARIE PAPE, aka
LINDA MARIE YOUNG**
11070 Rosemary Drive
Auburn, California 95603

A C C U S A T I O N

Registered Nurse License No. RN 371052

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

License History

2. On or about March 31, 1984, the Board issued Registered Nurse License Number RN 577270 ("license") to Linda Marie Barnes, also known as Linda Marie Pape and Linda Marie Young ("Respondent"). The license will expire on September 30, 2009, unless renewed.

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1 (c) Be convicted of a criminal offense involving the
2 prescription, consumption, or self-administration of any of the substances
3 described in subdivisions (a) and (b) of this section, or the possession of,
4 or falsification of a record pertaining to, the substances described in
5 subdivision (a) of this section, in which event the record of the conviction
6 is conclusive evidence thereof.

7 **COST RECOVERY**

8 8. Code section 125.3 provides, in pertinent part, that the Board may request
9 the administrative law judge to direct a licensee found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Criminal Conviction)**

14 9. Respondent is subject to disciplinary action under Code section 2761,
15 subdivision (f), in that on or about February 5, 2008, in the Superior Court of California, County
16 of Placer, in the case entitled, *People of the State of California v. Linda Marie Barnes, aka*
17 *Linda Marie Pape, Linda Marie Young* (Super Ct. Auburn County, 2007, Case No.62-73596),
18 Respondent was convicted on her plea of nolo contendere of violating Vehicle Code sections
19 23152, subdivision (a) (Driving Under the Influence of Alcohol and/or Drugs) and 23152,
20 subdivision (b) (Driving While Having a .08% or Higher Blood Alcohol Content), both
21 misdemeanors, with admissions of violating Vehicle Code section 23538, subdivision (b)(2)
22 (First Offender with B.A.C. of 20% or More). The circumstances of the crime are that on or
23 about August 20, 2007, Respondent did unlawfully, while under the influence of alcohol and a
24 drug, and under their combined influence, drive a vehicle with a .28% or higher B.A.C. Such
25 crime is substantially related to the functions, duties, and qualifications of a registered nurse.

26 **SECOND CAUSE FOR DISCIPLINE**

27 **(Use an Alcoholic Beverage and/or a Drug in a Manner Dangerous or Injurious)**

28 10. Respondent is subject to disciplinary action under Code section 2761,
subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
subdivision (b), in that Respondent used an alcoholic beverage and/or a drug to an extent or in a

1 manner dangerous or injurious to herself, any other person, or to the public, as set forth in
2 paragraph 9, above. The circumstances include that while operating her vehicle in an intoxicated
3 state, Respondent collided with and damaged no less than eleven (11) vehicles parked in the
4 Kaiser parking facility. The impacts in some collisions were of sufficient magnitude to move the
5 vehicles sideways and resulting in damage described by the investigating police officer as major.

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7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Criminal Conviction Involving the Consumption of Alcohol and/or a Drug)**

9 11. Respondent is subject to disciplinary action under Code section 2761,
10 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
11 subdivision (c), in that Respondent was convicted of crimes involving the consumption of an
12 alcoholic beverage and/or a drug, as set forth in paragraph 9, above. The circumstances include
13 admissions made by the Respondent that she was an alcoholic and had consumed alcohol
14 knowing she would have to operate a motor vehicle.

15 **PRAYER**

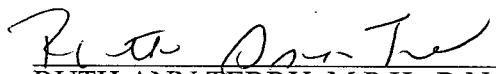
16 WHEREFORE, Complainant requests that a hearing be held on the matters herein
17 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nurse License Number RN 371052
19 issued to Linda Marie Barnes, also known as Linda Marie Pape and Linda Marie Young;

20 2. Ordering Linda Marie Barnes, also known as Linda Marie Pape and Linda
21 Marie Young to pay the Board the reasonable costs of the investigation and enforcement of this
22 case, pursuant to Code section 125.3; and,

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 7/14/08

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26 
27 RUTH ANN TERRY, M.P.H., R.N.
28 Executive Officer
Board of Registered Nursing
Department of Consumer Affairs

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State of California
Complainant

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